

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of Claims

Claims 1, 5, 7-11, 18, and 20-27 are pending in this application. Claims 1, 18, and 25-27 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 18.

Claim Amendments

Independent claims 1, 18, and 25-27 have been amended for purposes of clarification. No new matter is added by way of these amendments, as support may be found, for example, at least in Figures 3 and 5, and the accompanying text in the Specification.

Examiner Interview

Applicants thank the Examiner for courtesies extended during the Examiner Interview of August 12, 2008. Applicants note that, during the Interview, claim amendments directed toward the hierarchical tree structure shown in Figures 3 and 5 of the Specification were discussed. No agreement was reached at the close of the Examiner Interview.

Rejections under 37 C.F.R. § 103

Claims 1, 5, 7-11, 18, and 20-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0161972 ("Talagala") and further in view of U.S. Patent No.

6,829,617 ("Sawdon"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit." MPEP § 2143 (referring to *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727 (2007)). The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Office Action mailed on June 2, 2008, shows that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. See, *e.g.*, MPEP § 2143(A). Applicants respectfully assert that the Examiner has not made a proper finding that the cited prior art (Talagala) includes every element of the claims.

Independent claims 1, 18, and 25-27 are amended to specifically recite that the data stored in the storage pool is organized as a hierarchical tree, and require, in part, (i) that the data blocks are stored on a first level of a hierarchical tree; (ii) that a first indirect block that references the data blocks is stored on a second level of the hierarchical tree; and (iii) that a second indirect block that references the first indirect block is stored on a third level of the hierarchical tree. See Specification, Figures 3 and 5.

Applicants assert that Talagala fails to teach the aforementioned hierarchical tree structure, and therefore, cannot possibly teach that the checksum calculated for the first indirect block is stored in a second indirect block that is located hierarchically above the first indirect block location. Instead, as discussed previously and during the Examiner Interview of August 12, 2008, Talagala

teaches storing data blocks and the corresponding parity blocks in a block remapping table (PGT) along with the checksums for each of the aforementioned blocks (*see* Talagala, Fig. 6C, 7B, 8B). In Talagala, the PGT is not stored in a hierarchical tree, and therefore, cannot possibly be located hierarchically above the data blocks referenced by the PGT.

Further, Talagala does not teach or suggest calculating a checksum for any blocks other than the data blocks and parity blocks. Said another way, Talagala fails to teach calculating a checksum for the PGT itself. Therefore, it would not make sense for Talagala to store a second indirect block hierarchically above the PGT, where the second indirect block comprises the checksum of the PGT.

Further, Sawdon fails to supply that which Talagala lacks, as evidenced by the fact that Sawdon is relied upon by the Examiner solely for the purpose of teaching that each of the data block locations and the indirect block locations are separate physical locations in the storage pool. *See* Action mailed June 2, 2008, p. 4.

In view of the above, it is clear that Talagala and Sawdon fail to support the rejection of amended independent claims 1, 18, and 25-27. Thus, amended claims 1, 18, and 25-27 are patentable over Talagala and Sawdon, whether considered separately or in combination. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/390001).

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Respectfully submitted,

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